

FROM : ROBERTS

PHONE NO. : 713 686 7676

Mar. 08 2007 05:43PM P1

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PTO/SB/97 (09-06)

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on MARCH 8, 2007

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Kenneth A. Ruddy

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KENNETH A. RUDY

Typed or printed name of person signing Certificate

31,294

(713) 686-7676

Registration Number, if applicable

Telephone Number

TO: **ATTN: PAUL SHANOSKI**  
**OFFICE OF PETITIONS**

Re: Serial No. 10/068,575 – Renewed Petition To Withdraw Holding of Abandonment

Transmitted herewith are:

Renewed Petition To Withdraw Holding of Abandonment = 5 pages  
Exhibits 1 through M = 5 pages  
Change of Correspondence Address = 1 page  
11 pages

Total Number of Pages Transmitted = 12 including this cover sheet.

This collection of information is required by 37 CFR 1.8. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.8 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Mar. 08 2007 05:44PM P2

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Robert R. Gray )  
Serial No: 10/068,575 ) ART UNIT: 3727  
Filed : February 6, 2002 ) Examiner: Stephen J. Costellano  
)  
For: TRASH RECEPTACLE WITH SUCTION MEANS FOR DRAWING)  
A FLEXIBLE BAG LINER AGAINST ITS INTERIOR WALLS)

Via Fax and Mail

**ATTN: PAUL SHANOSKI**  
**OFFICE OF PETITIONS**  
Commissioner For Patents  
P.O. Box 1450  
Alexandria, VA 22303-1450

March 8, 2007

Sir:

**RENEWED PETITION**  
**TO WITHDRAW HOLDING OF ABANDONMENT**  
**BASED ON FAILURE TO RECEIVE OFFICE ACTION**  
**(MPEP 711.03 (c) II and 37 CFR 1.181)**

This is a Renewed Petition that the holding of abandonment set forth in the Notice Of Abandonment mailed by the office on 08/30/2006 be withdrawn due to non-receipt of the Notice of Allowance.

**CERTIFICATE OF TRANSMISSION  
BY FACSIMILE**

I hereby certify that this correspondence is being transmitted by facsimile to the Patent and Trademark Office to the telephone number (571) 273-8300 on:

Date: 3-8-07

Kenneth A. Roddy  
Kenneth A. Roddy

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STATEMENT

This Renewed Petition is responsive to the Decision dated January 8, 2007 in the previously filed Petition under 37 C.F.R. 1.181, and is submitted to supplement and clarify the information supplied in the previous Petition filed October 8, 2006 concerning failure to receive a Notice of Allowance dated April 27, 2006.

Regarding Change of Address

In the January 8, 2007 Decision, the Petitions Attorney noted that the non-received April 27, 2006 Notice Of Allowance was mailed to "Suite 105", 2916 West T.C. Jester, Houston, TX 77018, which was the address of record, but that the address appearing on the October 8, 2006 Petition was "Suite 100", 2916 West T.C. Jester, Houston, TX 77018. The Petitions Attorney indicated that it appeared that subsequent to filing of the application, the undersigned agent's address changed, and that the Notice of Allowance was properly mailed but the mailing may have been returned because the undersigned agent was no longer located at "Suite 105". The Petitions Attorney reasoned that the new occupant of Suite 105 would have returned the mailing to the U.S. Postal Service with an indication that it should be returned to the sender.

The Petitions Attorney requested clarification why the undersigned agent's return address differed from the address of record, and if it has changed, to indicate when this occurred and why a change of correspondence address was not submitted.

The return address differs from the address of record because the undersigned agent moved across the hall in the same office building from "Suite 105" into "Suite 100" subsequent to filing the application. However, the undersigned agent utilizes both mailing addresses, still receives mail addressed to either suite number, and has a key to the mailbox for both mailing addresses. Thus, a change of correspondence address was not submitted, nor necessary.

The present application (Serial No. 10/068,575) was filed February 28, 2002 and, with the exception of the April 27, 2006 Notice of Allowance, during the past 5 years the undersigned agent did receive, and responded to, ALL all of the correspondence in this application that was mailed to "Suite 105", as evidenced by the attached exhibits.

(Exh. I) Cover sheet of Office Action mailed to Suite 500 from the USPTO on 06/23/2004.

(Exh. J) Cover sheet of Office Action mailed to Suite 500 from the USPTO on 10/18/2004.

(Exh. K) Cover sheet of Office Action mailed to Suite 500 from the USPTO on 02/08/2005.

(Exh. L) Cover sheet of Office Action mailed to Suite 500 from the USPTO on 01/04/2006.

(Exh. M) Cover sheet of Office Action mailed to Suite 500 from the USPTO on 08/30/2006.

The above documents are evidence that if the mailing was addressed to "Suite 105", the correspondence address of record would have been received by the undersigned agent. If, as suggested by the Petition Attorney, the mailing was returned to the USPTO by the U.S. Postal Service because the undersigned agent was no longer located at "Suite 105", it is reasoned that the Patent Examiner or the USPTO mailroom personnel would have notified the undersigned of the returned mailing. However, no such notification was received.

Regarding Broken Mailbox

In the previous Petition, the undersigned agent provided a description of the procedures followed in handling incoming Office Actions, accompanied by the docket record and other documents mailed from the USPTO during the same time period as the non-received Notice of Allowance, and which were received. One Office Action (previous Exh. C) mailed April 4, 2006 was addressed to "Suite 105" and the others were addressed to "Suite 100". Also during that same time period the undersigned agent learned that one Notice of Allowance (previous Exh. D)

mailed April 5, 2006 addressed to "Suite 100" was returned to the USPTO. The Patent Examiner in that case called the undersigned agent informing him that the Notice of Allowance had been returned as undeliverable, and faxed another copy of the Notice of Allowance. About that same time, it was discovered that the mail carrier had not been leaving the mail addressed to "Suite 100" for a period of time and some mail may have been returned to the sender because he was unable to lock the mailbox for "Suite 100" (previous Exh. E).

However, there was not a problem with the mailbox for "Suite 105". The undersigned agent does not know if the Notice of Allowance (previous Exh. D) in the other case was returned because the mail carrier had a problem with the mailbox lock, or whether it was returned because the address was not visible in the window of the USPTO envelope (See previous Exh. D-pg.4). The Patent Examiner in that case only indicted that Notice of Allowance had been returned as "undeliverable".

Since there has been no problem with the lock for the mailbox for "Suite 105", no notification by the USPTO that the Notice of Allowance which is the subject of this Petition was returned as undeliverable, and and other mail addressed to both "Suite 105" and "Suite 100" during the same time period was in-fact received, the undersigned agent can only assume that it became lost in the mail enroute from the USPTO or that the mailing address was not visible in the window of the USPTO envelope.

The present application has been pending for 5 years, and the undersigned agent and his client have been patiently waiting to receive the Notice of Allowance. Needless to say, if it had been received, the issue fee would have been promptly paid.

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As discussed above, the undersigned agent receives mail addressed to both "Suite 105" and "Suite 100". However, the Petitions Attorney stated that the petitioner will not receive future correspondence related to this application unless a Change of Correspondence Address is submitted.

A Change of Correspondence Address is submitted herewith.

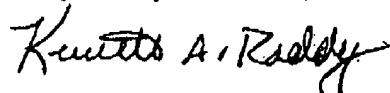
REQUEST AND ACKNOWLEDGEMENT

Mailing of a new Notice of Allowance and acknowledgement of the active status of this application is respectfully requested.

DECLARATION

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both under Section 1001 of the Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,



Kenneth A. Roddy  
Agent for Applicant  
Registration No. 31,294

2916 West T. C. Jester  
Suite 100  
Houston, TX 77018  
(713) 686-7676 (Phone & Fax)

FROM : ROBERTS

PHONE NO. : 713 686 7676

Mar. 08 2007 05:46PM P7



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/068,575	02/06/2002	Robert R. Gray		8273

7590 06/23/2004

Kenneth A. Roddy  
Suite 105  
2916 West T.C. Jester Boulevard  
Houston, TX 77018

EXAMINER

CASTELLANO, STEPHEN J.

ART UNIT 3727

PAPER NUMBER

DATE MAILED: 06/23/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

EXHIBIT "I"

FROM : ROBERTS

PHONE NO. : 713 686 7676

Mar. 08 2007 05:47PM PB



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION N
10/068,575 7590	02/06/2002 10/18/2004	Robert R. Gray		8273
			EXAMINER	
			CASTELLANO, STEPHEN J	
			ART UNIT	PAPER NUMBER
			3227	
DATE MAILED: 10/18/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

EXHIBIT "J"

FROM : ROBERTS

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/068,575	02/06/2003	Robert R. Gray		8273
7590	02/08/2003		EXAMINER	
Kenneth A. Roddy Suite 105 2916 West T.C. Jester Boulevard Houston, TX 77018			CASTELLANO, STEPHEN J	
			ART UNIT	PAPER NUMBER
			3727	
DATE MAILED: 02/08/2003				

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EXHIBIT "K"



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/068,575 7590	02/06/2002 01/04/2006	Robert R. Gray		8273

Kenneth A. Roddy  
Suite 105  
2916 West T.C. Jester Boulevard  
Houston, TX 77018

EXAMINER  
CASTELLANO, STEPHEN J

ART UNIT  
3727

DATE MAILED: 01/04/2006

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EXHIBIT "L"

FROM : ROBERTS

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Mar. 08 2007 10:51 AM P11

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/068,573	02/06/2002	Robert R. Gray		8273
7590	08/30/2006			

Kenneth A. Roddy  
Suite 105  
2916 West T.C. Jester Boulevard  
Houston, TX 77018

EXAMINER

CASTELLANO, STEPHEN J

ART UNIT	PAPER NUMBER
3727	

DATE MAILED: 08/30/2006

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EXHIBIT "M"

PTO/SB/122 (01-06)

Approved for use through 12/31/2008. OMB 0651-0035  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
**CHANGE OF  
CORRESPONDENCE ADDRESS**  
*Application*

 Address to:  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

Application Number	10/068,575
Filing Date	February 6, 2002
First Named Inventor	Robert R. Gray
Art Unit	3727
Examiner Name	Stephen J. Costellano
Attorney Docket Number	

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Please change the Correspondence Address for the above-identified patent application to:

 The address associated with  
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**OR**
 Firm or  
 Individual Name Kenneth A. Roddy

 Address Suite 100  
 2916 West T.C. Jester

City Houston

State  
TX

Zip 77018

Country USA

Telephone (713) 686-7676

Email

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I am the:

- Applicant/Inventor
- Assignee of record of the entire interest,  
 Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).
- Attorney or agent of record. Registration Number 31,294
- Registered practitioner named in the application transmittal letter in an application without an  
 executed oath or declaration. See 37 CFR 1.33(a)(1). Registration Number \_\_\_\_\_

Signature

Typed or Printed Name Kenneth A. Roddy

Date March 8, 2007

Telephone (713) 686-7676

 NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple  
 forms if more than one signature is required, see below.

 Total of 1 forms are submitted.

This collection of information is required by 37 CFR 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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